IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6682 OF 2004

Mr.S.S.Pakale for the Petitioner.

Mr.S.G.Deshmukh for Respondent No.3.

Mr.M.H.Solkar AGP for Respondents Nos. 4, 5 & 6.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 13TH APRIL,2005

P.C.:

It is undisputed that the Respondent No.3 was reverted from the post of Head Master and his services were also terminated on the allegation of mis-conduct. It is also not disputed that the misconduct that was alleged against the Respondent No.3 was never proved. Therefore, the School Tribunal has granted reinstatement in service to the Respondent No.3 as the Head Master. A teacher, who is working as Head Master is making a grievance by this

petition against the order of the School Tribunal on the ground that what was challenged before the School Tribunal was the termination of the Respondent No.3 as Asst. Teacher and not as Head Master. Even assuming that there is some substance in the contention urged by the Petitioner, in my opinion, the petition cannot be entertained in the face of admitted position referred to above. The order of the School Tribunal, which gives back to the Respondent No.3 the post of Head Master cannot be said to result in failure of justice. If it is the case of the Petitioner that the Respondent No.3 is not entitled to be promoted to the post of Head Master, because it is the Petitioner who is senior to him, the remedy of the Petitioner is to launch proceedings challenging the initial promotion of the Respondent No.3 to the post of Head-Master and not filing of this petition. Petition, in my opinion, is totally misconceived. It is disposed of.

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